

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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| UNITED STATES OF AMERICA v. (2) ISMAEL ZAMBADA GARCIA a/k/a “Mayo” | § § § § § § | CAUSE NO. EP:12-CR-849(2)-KC |
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ORDER

On this day, the Court considered the Government’s Notice of Transfer and Unopposed Motion for Tolling of Speedy Trial Provisions (“Notice”), ECF No. 1331. The Government states that it has “initiated the process to transport the Defendant from the Western District of Texas to the [Eastern District of New York (“E.D.N.Y.”)] pursuant to a writ.” Notice 1. The Government requests that Defendant be transferred just once, and complete his proceedings in the E.D.N.Y., before any further proceedings are held in this District. *Id.* at 2, 3. Finally, the Government requests that the Court toll the provisions of the Speedy Trial Act and excuse Defendant from appearing for any hearings in this case while Defendant remains in the E.D.N.Y. *Id.* at 2.

The Government states that Defendant “no longer wishes to oppose transfer and does not oppose being transferred to the E.D.N.Y. by writ,” *id.* at 2, and that “he is not opposed to tolling the provisions of the Speedy Trial Act while the case is prosecuted in the E.D.N.Y.,” *id.* at 3.

In light of Defendant’s opposition to the Government’s previous attempt to transfer him to the E.D.N.Y. under Rule 5(c)(3) of the Federal Rules of Criminal Procedure, *see* Resp., ECF No. 1326, and so as to avoid any doubt, the Court **ORDERS** Defendant to **FILE** a Notice **by no later than 12:00 p.m. on Friday, September 6, 2024**, stating his non-opposition or opposition to each of the following procedures:

1. Defendant's transfer, via a writ of habeas corpus ad prosequendum, to the E.D.N.Y.;
2. Defendant's remaining in the custody of the E.D.N.Y. through the completion of proceedings in that matter;
3. Pending completion of proceedings in the E.D.N.Y., a stay of all further proceedings in this District, and to the extent additional hearings must be held here, an excusal of Defendant's presence from any such hearings; and
4. A tolling of the provisions of the Speedy Trial Act in this District until the completion of proceedings in the E.D.N.Y.

SO ORDERED.

SIGNED this 5th day of September, 2024.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE